

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2005-358-C

IN RE: dPi Teleconnect, LLC, Complainant/)	
Petitioner v. BellSouth)	PROPOSED PROTECTIVE ORDER
Telecommunications, Inc. d/b/a AT&T)	
South Carolina, Defendant/Respondent)	

This matter comes before the Public Service Commission of South Carolina (Commission) upon the Motion of the Office of Regulatory Staff (ORS) for a Protective Order. The Commission has determined that the Motion should be granted and hereby adopts the following Order in order to facilitate the sharing of information while adequately protecting material entitled to be kept confidential:

1. On November 9, 2005, dPi Teleconnect, LLC (dPi) filed this action before the Commission alleging BellSouth Telecommunications, Inc. d/b/a AT&T South Carolina (AT&T) wrongfully failed to make three specific retail promotions available to dPi.

2. Because we find that the parties have and may continue to exchange discovery potentially containing confidential or proprietary information and that access to this information could give actual and potential competitors an unfair competitive advantage, we grant the ORS' request for a Protective Order to ensure materials provided to the Commission and/or the ORS that are designated by the providing party as "Confidential Information" will be protected.

3. “Confidential Information” is any material that a party designates as “Confidential Information” and that is provided to the Commission and/or the ORS for purposes of discovery that the party believes in good faith would be entitled to protection from public disclosure under the South Carolina Rules of Civil Procedure or any provision of South Carolina or federal law. This may include but is not limited to workpapers, summaries, spreadsheets, models, diagrams, data, customer information, reports, or other documents either provided by a party in response to discovery or to requests for information from the Commission and/or the ORS which contain proprietary or confidential business information of any party. It is appropriate to require the Confidential Information that has been provided to or will be provided to the Commission and/or the ORS in this docket to be subject to a Protective Order because it contains proprietary business information regarding the providing parties’ operations.

4. Confidential Information provided to the Commission and/or the ORS which falls within the scope of the Commission’s Protective Order will be filed in a sealed envelope with each page marked “Confidential” in red ink, or with other markings that are reasonably calculated to alert custodians of the materials to their confidential or proprietary nature. A public copy of the information that redacts the specific information entitled to confidential and proprietary treatment will also be filed. The proprietary copy shall not be available for public inspection, and the public copy shall be available for public inspection.

5. Persons or entities may apply to the Commission for a ruling that materials designated as Confidential Information are not entitled to such status and protection from public disclosure. In that event, the party that designated the materials as Confidential

Information shall be given notice of the application and an opportunity to respond. The materials subject to such an application should continue to be protected from public disclosure unless the Commission enters an Order to the contrary.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

G. O'Neal Hamilton, Chairman

ATTEST:

C. Robert Moseley, Vice Chairman

(SEAL)